

Listing of Claims

The following listing of claims is intended to supercede all previously filed listings of claims. Changes are shown with deletions in ~~striketrough~~ or double brackets [[]] and additions underlined.

Kindly enter the following amendments to the claims:

Claims 1-20 (cancelled)

Claim 21 (currently amended): A method of intra-day trading of an actively managed fund on an exchange ~~comprises~~comprising:

using a hedging basket of securities that tracks the actively managed fund to allow a market specialist to manage investment risk that the specialist takes in the actively managed fund; and

trading the actively managed fund through the specialist through pricing of the ~~financial product~~actively managed fund shares as determined between buyers and sellers of the actively managed fund,

wherein the hedging basket of securities does not reveal the actively managed fund assets.

Claim 22 (previously presented): The method of claim 21 wherein the value of the hedging basket of securities tracks the price of the actively managed fund.

Claim 23 (currently amended): The method of claim 21 further comprising:

~~determining in a computer system hedging basket of securities, with determining further~~
~~comprising:~~

using a computer system to apply factor analysis to produce the hedging portfolio that tracks the portfolio of financial instruments to hedge the position taken by the specialist in the exchange-traded actively managed fund.

Claim 24 (currently amended): The method of claim 23 wherein the factors that are examined by factor analysis include economic activity, inflation rates, or other factors that are related to measures of economic activity.

Claim 25 (currently amended): The method of claim 21 ~~wherein trading in shares of the actively managed fund takes into consideration a calculated intra-day net asset value proxy for the fund~~ further comprising publishing an intra-day net asset value proxy for the actively managed fund.

Claim 26 (currently amended): The method of claim 21 ~~further comprising:~~
~~determining an intra-day net asset value proxy for the fund by applying prices received from a quote feed to security positions in the fund portfolio as of the prior close of the fund wherein the intra-day net asset value proxy is calculated by applying prices received from a quote feed to the security positions in the fund portfolio as of the close of trading on the prior day.~~

Claim 27 (currently amended): The method of claim 23 wherein determining further comprises:

applying factor analysis to the portfolio of the exchange-traded actively managed fund to provide the factors.

Claim 28 (original): The method of claim 27 wherein applying occurs in a trusted computer system.

Claim 29 (previously presented): The method of claim 21 wherein the factors that are examined by factor analysis include factors related to measures of security price behavior.

Claim 30 (currently amended): A method of trading intra-day an actively managed fund ~~comprises-comprising:~~

~~calculating an referring to a calculated~~ intra-day net asset value proxy for the actively managed fund, wherein the intra-day net asset value proxy for the actively managed fund does not reveal the fund assets;

trading shares of the actively managed fund by determining using the intra-day net asset value proxy for the actively managed fund to estimate a price ~~[[of]]for shares of the actively managed fund~~, ~~the financial product between buyers and sellers taking into consideration information about the determined intra-day net asset value proxy for the fund.~~

Claim 31 (currently amended): The method of claim 30 ~~wherein trading the shares further comprises-comprising:~~

trading on a securities exchange through a specialist who hedges a position taken in the actively managed fund, ~~and wherein the method further comprises:~~

~~hedging a position by the specialist to offset a position in the actively managed fund.~~

Claim 32 (currently amended): The method of claim 30 wherein ~~referring to the intra-day net asset value comprises:~~

said calculating step comprises ~~the referring to intra-day net asset value proxy for the fund by applying prices received from a quote feed to security positions in the fund portfolio[[:]]~~
and adjusting the fund portfolio to reflect any transactions made on the prior trading day.

Claim 33 (currently amended): The method of claim 32 wherein the fund portfolio is adjusted to take into consideration ~~factors such as~~ dividend credits and expenses attributable to the current trading day.

Claim 34 (currently amended): The method of claim 30 wherein the intra-day net asset value proxy calculation is executed within a trusted system.

Claim 35 (previously presented): The method of claim 30 wherein the trusted system is a physical hardware and operating system configuration in which domain configuration and trust relationships are established to determine access to information in the trusted system.

Claim 36 (currently amended): The method of claim 35 wherein the ~~relationship established in the trusted system is denying~~ denies access to the decrypted portfolio file from outside of the calculation process absent a trusted relationship.

Claim 37 (currently amended): The method of claim 30 wherein the calculating step further comprises ~~decrypting further comprises:~~ decrypting a portfolio file received from the actively managed fund and populating a table with fund positions including a security identifier and quantity of shares of securities held in the actively managed fund.

Claims 38 (currently amended): The method of claim 30 further comprising the step of
~~, wherein referring includes:~~ disseminating the intra-day net asset value proxy for the actively
managed fund on a periodic basis throughout the trading day.

Claim 39 (currently amended): A computer program product residing on a computer
readable medium for trading an actively managed, ~~exchange-traded~~ fund[[s,]] comprising
~~comprises~~ instructions for causing a computer to:

select and weight financial instruments based on historic pricing of said financial
instruments and historic pricing of the securities in the actively managed fund using a factor
model, and to

construct a factor weighted portfolio from the selected weighted financial instruments
~~by selecting and weighting of instruments based on historic relationships, as analyzed by a factor~~
~~model that analyzes how various factors effect pricing of the underlying portfolio,~~
wherein the factor weighted portfolio is used to hedge the position taken by the specialist in the
exchange-traded actively managed fund, and wherein the factor weighted portfolio does not
reveal the fund assets.

Claim 40 (previously presented): The computer program product of claim 39 wherein the
factors that are examined by factor analysis include factors related to measures of security price
behavior.

Claim 41 (currently amended): The computer program product of claim 40 wherein the
factors that are examined by factor analysis include factors related to measures of economic
activity or [[,]] ~~inflation rates or other factors that are related to measures of economic activity.~~

Claim 42 (currently amended): The computer program product of claim 40 further comprising instructions to cause a computer to:

determine an intra-day net asset value proxy for the actively managed fund by applying prices received from a quote feed to the security positions in the fund portfolio as of the close of trading on the prior day ~~close of the fund~~.

Claim 43 (original): The computer program product of claim 42 wherein instructions to apply occur in a trusted computer system.

Claim 44 (currently amended): A system to manage intra-day trading of an actively managed fund on an exchange, ~~comprises~~ comprising:

a computer system including a processor and memory to execute computer instructions and storage to store a computer program product ~~comprises-with~~ instructions for causing a computer to ~~to~~ produce a hedging basket of securities for a market specialist to allow the market specialist to manage investment risk in the actively managed fund, wherein the hedging basket of securities does not reveal the fund assets; and ~~and with the system further comprising~~:

~~a trade process that allows trades of the fund shares to be executed between buyers and sellers through the specialist by determining a price of the financial product between buyers and sellers of the fund.~~

a computer system programmed to allow trades of the fund shares between buyers and sellers through the specialist at a predetermined price based on a net asset value proxy for fund shares.

Claim 45 (currently amended): The system of claim 44 wherein instructions to produce a hedging basket further comprise instructions to:

apply factor analysis to the actively managed fund to produce the hedging ~~portfolio~~ basket of securities with a net asset value that tracks the net asset value of the actively managed fund, ~~portfolio of financial instruments to allow wherein~~ the specialist uses the hedging basket of securities to hedge the position taken by the specialist in the ~~exchange-traded actively managed~~ fund.

Claim 46 (currently amended): The system of claim 45 wherein the factors that are examined by factor analysis include factors related to measures of economic activity[[,]] or inflation rates ~~or other factors that are related to measures of economic activity~~.

Claim 47 (currently amended): The system of claim 44 wherein the ~~computer system stores~~ a computer program product comprises instructions for causing a computer to[[,:]] determine an intra-day net asset value proxy for the actively managed fund by applying prices received from a quote feed to the security positions in the fund portfolio as of the close of trading on the prior day ~~close of the fund~~.

Claim 48 (currently amended): The system of claim 45 further comprising:

a second computer system which is a trusted computer system including a second processor and second memory to execute computer instructions and storage to store a computer program product ~~comprises with~~ instructions for causing a computer to ~~determine a~~ determine an intra-day net asset value proxy for the fund by applying prices received from a quote feed to

security positions in the fund portfolio as of the close of trading on the prior day ~~close of the fund~~.

Claim 49 (currently amended): A method of intra-day trading in shares or derivative instruments of an actively managed fund, ~~the method comprises~~ comprising:

using a determined hedging basket of securities that track the actively managed fund or derivatives to manage investment risk taken in the shares or derivative instruments of the actively managed fund, wherein the hedging basket of securities do not reveal the fund assets; and

trading the fund shares or derivative instruments through negotiated pricing of the fund shares or derivative instruments as determined between buyers and sellers of shares in or derivative instruments of the actively managed fund.

Claim 50 (currently amended): The method of claim 49 wherein the value of the hedging basket ~~generally of securities~~ substantially tracks the value of the ~~exchange traded actively managed~~ fund.

Claim 51 (currently amended): The method of claim 50 further comprising:

applying factor analysis to produce the hedging portfolio, wherein the hedging portfolio is used by an investor in the actively managed fund that tracks the portfolio of financial instruments to hedge the position taken in the ~~exchange traded~~ actively managed fund.

Claim 52 (currently amended): The method of claim 51 wherein the factors that are examined by factor analysis include factors related to economic activity~~[[,]]~~ or inflation rates ~~or other factors that are related to measures of economic activity~~.

Claim 53 (currently amended): The method of claim 49 wherein ~~trading-pricing~~ of the fund shares or derivative instruments ~~takes into consideration~~ is based on a calculated intra-day net asset value proxy for the actively managed fund.

Claim 54 (currently amended): The method of claim 49 further comprising the step of ~~[[:]]~~ determining an intra-day net asset value proxy for the fund by applying prices received from a quote feed to security positions in the fund portfolio as of the close of trading on the prior ~~day~~close of the fund.

Claim 55 (currently amended): The method of claim 54 wherein the step of determining the intra-day net asset value proxy occurs in a trusted computer system.

Claim 56 (currently amended): A method of intra-day trading of shares or derivative instruments of an actively managed fund, the method ~~comprises-comprising~~:

calculating an intra-day net asset value proxy for the fund shares by applying prices received from a quote feed to security positions in the fund portfolio, wherein the intra-day net asset value proxy does not reveal the fund assets; and

trading the fund shares or derivative instruments based on negotiated ~~through-pricing~~ of the fund shares or derivative instruments ~~financial product~~, as determined by ~~between buyers and sellers of the shares or derivative instruments with pricing of the shares or derivative instruments taking into consideration information about the determined~~ the intra-day net asset value proxy for the actively managed fund.

Claim 57 (previously presented): The method of claim 56 wherein trading the shares or derivative instruments occurs on a securities exchange or market entity.

Claim 58 (currently amended): The method of claim 56 wherein trading the shares or derivative instruments occurs through a specialist or market maker and wherein the method further comprises:

using a determined hedging basket of securities that track the actively managed fund or derivatives to allow management of investment risk in shares of the actively managed fund, with the specialist or market maker hedging positions using the determined hedging basket of securities to offset a position taken by the specialist or market maker ~~to maintain an orderly market in shares or in the derivative instruments in the exchange traded fund.~~

Claim 59 (currently amended): The method of claim 58 wherein trading occurs in shares through a specialist or market maker and wherein the method further comprises:

using a determined hedging basket of securities that track the actively managed fund to allow management of investment risk in shares of the actively managed fund with the specialist or market maker hedging positions using the determined hedging basket of securities to offset a position taken by the specialist or market maker ~~to maintain an orderly market in shares in the exchange traded fund.~~

Claim 60 (currently amended): The method of claim 58 wherein trading occurs in derivative instruments through a specialist or market maker and wherein the method further comprises:

using a determined hedging basket of securities to allow management of investment risk in derivatives with the specialist or market maker hedging positions using the determined hedging basket of securities to offset a position taken by the specialist or market maker ~~to maintain an orderly market in the derivative instruments in the exchange traded fund.~~

Claim 61 (currently amended): The method of claim 56 wherein the step of calculating the intra-day net asset value is executed within a trusted system~~[[,]]~~ and the method further comprises~~[[:]]~~ the step of adjusting the fund portfolio to reflect any transactions made on the prior trading day~~[[;]]~~ to take into consideration ~~factors such as~~ dividend credits and expenses attributable to the current trading day.

Claim 62 (currently amended): The method of claim 61 wherein the trusted system is a physical hardware and operating system configuration in which domain configuration and trust relationships are established to control access to a~~[[n]]~~ decrypted portfolio file representing positions taken in the actively managed fund.

Claim 63 (currently amended): The method of claim 56 wherein the step of calculating the intra-day net asset value is executed within a trusted system, and the method further ~~comprises~~ comprising disseminating the intra-day net asset value proxy for the actively managed fund on a periodic basis throughout a trading day.

Claim 64 (currently amended): A method of intra-day trading on an exchange or market in shares or derivative instruments of an actively managed fund, the method ~~comprises comprising~~:

referencing a calculated intra-day net asset value proxy for the actively managed fund, wherein the net asset value proxy for the actively managed fund does not reveal the assets of the actively managed fund; and

trading the fund shares or derivative instruments through negotiated pricing of the fund shares or derivative instruments ~~as determined between by~~ buyers and sellers of shares in or

derivative instruments of the fund ~~taking into consideration based on~~ prices posted for the calculated intra-day net asset value proxy for the actively managed fund.

Claim 65 (currently amended): The method of claim ~~[[64]]~~66 wherein trading the fund shares or derivative instruments occurs through a specialist or market maker that hedges positions using the determined hedging basket of securities.

Claim 66 (currently amended): The method of claim 64 further comprising:

applying factor analysis to produce a hedging portfolio that tracks the portfolio of financial instruments to hedge positions taken by participants that trade in shares or derivative instruments of the ~~exchange-traded~~ actively managed fund.

Claim 67 (currently amended): The method of claim 64 wherein the intra-day net asset value proxy is calculated by: ~~determining an intra day net asset value proxy for the fund by~~ applying prices received from a quote feed to security positions in the fund portfolio as of the close of trading on the prior day ~~close of the fund~~.

Claim 68 (currently amended): The method of claim 64 wherein the step of determining the intra-day net asset value proxy occurs in a trusted computer system.

Claim 69 (currently amended): An ~~[[a]]~~ actively managed fund that is traded intra-day between buyers and sellers, ~~comprises comprising:~~

shares or derivative instruments corresponding to an interest in the actively managed fund, with the shares or derivative instruments traded based on a determined hedging basket of securities that track the actively managed fund or derivative, wherein the hedging basket of

securities is used to manage investment risk taken in the shares or derivative instruments of the actively managed fund, and wherein the hedging basket of securities does not reveal the fund assets.

Claim 70 (currently amended): The actively managed fund of claim 69 ~~further comprises:~~ wherein the shares or derivative instruments corresponding to an interest in the actively managed fund further traded based on~~[[:]]~~ negotiated pricing of the shares or derivative instruments as determined between buyers and sellers of shares in or derivative instruments of the actively managed fund.

Claim 71 (currently amended): The actively managed fund of claim 69 ~~further comprises:~~ wherein the shares or derivative instruments corresponding to an interest in the actively managed fund further traded based on~~[[:]]~~ a determined intra-day net asset value proxy for the actively managed fund that is referred to for pricing of the shares or derivative instruments.